

MEETINGS TO DATE 5  
NO. OF REGULARS 3  
NO. OF SPECIALS 2

LANCASTER, NEW YORK  
FEBRUARY 12, 1991

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 12th day of February 1991 at 7:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCILMAN  
DONALD E. KWAK, COUNCILMAN  
JOHN T. MILLER, COUNCILMAN  
STANLEY JAY KEYSA, SUPERVISOR

ABSENT: RONALD A. CZAPLA, COUNCILMAN

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY

PURPOSE OF MEETING:

The purpose of this meeting was to discuss the possible acquisition of a building for the Town's Human Services Center, financial arrangements for same, and such other business as appropriate before the Town Board.

EXECUTIVE SESSION:

At 7:20 P.M., the Town Board went into executive session with the announced purpose of considering proposals for the possible acquisition of a building for the Town's Human Services Center.

At 8:50 P.M., the Town Board reconvened. No official actions were taken during the executive session.

THE FOLLOWING RESOLUTIONS WERE PRESENTED:

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN  
OF LANCASTER, NEW YORK, ADOPTED FEBRUARY 12,  
1991, AUTHORIZING (I) THE PURCHASE OF THE  
CERTAIN PIECE OR PARCEL OF LAND LOCATED AT  
1700 COMMERCE PARKWAY , WITHIN SAID TOWN, AND  
THE EXISTING BUILDING SITUATE THEREON, AND  
(II) THE RECONSTRUCTION AND FURNISHING OF SUCH  
BUILDING FOR USE AS A HUMAN SERVICES CENTER,  
STATING THE ESTIMATED TOTAL COST THEREOF IS  
\$ 1,200,000 , APPROPRIATING SAID AMOUNT  
THEREFOR, AUTHORIZING THE ISSUANCE OF  
\$ 60,000 CAPITAL NOTES TO PROVIDE THE  
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE  
ISSUANCE OF \$ 1,140,000 SERIAL BONDS OF SAID  
TOWN TO FINANCE THE BALANCE OF SAID  
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY  
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not  
less than two-thirds of all the members of said Town Board) AS  
FOLLOWS:

Section 1. The Town of Lancaster, in the County of  
Erie, New York (herein called "Town"), is hereby authorized to  
(i) purchase (a) the certain piece or parcel of land located at  
1700 Commerce Parkway within said Town, at the estimated maximum cost  
of \$ 75,000 , and (b) the existing building situate thereon,  
at the estimated maximum cost of \$ 740,000 ; and (ii) reconstruct

and furnish such building for use as a Human Services Center, including original furnishings, equipment, machinery or apparatus required for the purposes for which such building, as so reconstructed, is to be used, at the estimated maximum cost of \$ 385,000. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$ 1,200,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$ 60,000 aggregate amount of capital notes to provide the down payments required by the Law, as hereinafter defined, and the issuance of \$ 1,140,000 aggregate amount of serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Town in the aggregate principal amount of \$ 60,000 to pay the required down payments, and serial bonds of the Town in the aggregate principal amount of \$ 1,140,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 1(i)(a) of this resolution and for which \$ 75,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 21(a) of the Law, is thirty (30) years.

(b) The existing building which is to be purchased is of Class "A" construction as defined by Section 11.00 a. 11 (a) of the Law, and the period of probable usefulness of said specific object or purpose authorized pursuant to Section 1(i)(b) of this resolution and for which \$ 740,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 11(b) of the Law, is thirty (30) years.

(c) The period of probable usefulness of said specific object or purpose authorized pursuant to Section 1(ii) of this resolution and for which \$ 385,000 of said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12(a)(1) of the Law, is twenty (20) years.

(d) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Supervisor is hereby authorized and directed to set aside the proceeds of

sale of said capital notes and to apply same solely to said specific objects or purposes herein described.

(e) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the capital notes and each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said capital notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said capital notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the capital notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing

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the terms, form and contents and as to the sale and issuance of the capital notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said capital notes and bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the capital notes and bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond and capital note resolution is subject to permissive referendum.

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA WAS ABSENT *ppa*

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

February 12, 1991

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY  
OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Lancaster,  
shall within ten (10) days after the adoption of this resolution  
cause to be published, in full, in the "LANCASTER BEE," a  
newspaper published in Buffalo, New York, having a general  
circulation within said Town and hereby designated the official  
newspaper of the Town for such publication and posted on the sign  
board of the Town maintained pursuant to the Town Law, a Notice  
in substantially the following form:

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TOWN OF LANCASTER, NEW YORK

PLEASE TAKE NOTICE that on February 12, 1991, the Town Board of the Town of Lancaster, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Lancaster, New York, adopted February 12, 1991, authorizing (I) the purchase of the certain piece or parcel of land located at 1700 Commerce Parkway, within said Town, and the existing building situate thereon, and (II) the reconstruction and furnishing of such building for use as a Human Services Center, stating the estimated total cost thereof is \$1,200,000, appropriating said amount therefor, authorizing the issuance of \$60,000 capital notes to provide the required down payment, and authorizing the issuance of \$1,140,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to (i) purchase (a) the certain piece or parcel of land located at 1700 Commerce Parkway within said Town, at the estimated maximum cost of \$75,000, and (b) the existing building situate thereon, at the estimated maximum cost of \$740,000, and (ii) reconstruct and furnish such building for use as a Human Services Center, including original furnishings, equipment, machinery or apparatus required for the purposes for which such building, as so reconstructed, is to be used, at the estimated maximum cost of \$385,000; and STATING the estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,200,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$60,000 aggregate amount of capital notes to provide the down payments required by the Law, as hereinafter defined, the issuance of \$1,140,000 aggregate amount of serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$60,000 aggregate amount of capital notes to provide the required down payments and \$1,140,000 aggregate amount of serial bonds of the Town pursuant to the Local Finance Law of the State of New York

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(the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of said specific object or purpose authorized pursuant to Section (i)(a) of the first paragraph hereof and for which \$ 75,000. of said serial bonds are to be issued is thirty (30) years; the existing building which is to be purchased is of Class "A" construction and the period of probable usefulness of said specific object or purpose authorized pursuant to Section (i)(b) of the first paragraph hereof and for which \$ 740,000. of said serial bonds are to be issued is thirty (30) years; the period of probable usefulness of said specific object or purpose authorized pursuant to Section (ii) of the first paragraph hereof and for which \$ 385,000. of said serial bonds are to be issued is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Supervisor to set aside said capital note proceeds and apply the same solely to said specific objects or purposes; and the proposed maturity of said \$ 1,140,000 aggregate amount of serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said capital notes and bond anticipation notes shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said capital notes and bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: February 12, 1991

Robert P. Thill  
Town Clerk

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Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA WAS ABSENT *APZ*

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

February 12, 1991

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ADJOURNMENT:

UPON THE MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE  
TOWN BOARD, the meeting was adjourned at 9:00 P.M. in memory of:

WALTER GIZA

ERIC BENSON

Signed Robert P. Thill  
Robert P. Thill, Town Clerk

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